

DOMESTIC RELATIONS COMMITTEE
MEETING MINUTES – JANUARY 10, 2003

PRESENT:

Hon. Karen Adam
Rene Bartos
Sid Buckman
Kat Cooper
Nancy Gray
Gordon Gunnell
Terrill Haugen
Rep. Karen Johnson
Jennifer Jordan

Ella Maley
David Norton
Karen Kretschman for Janet Scheiderer
Ellen Seaborne
Steve Wolfson
Brandi Brown for Daniella Yaloz
Debbora Woods-Schmitt
Jeffrey Zimmerman

NOT PRESENT:

Frank Costanzo
Hon. Dale Nielson
Steve Phinney

Beth Rosenberg
Kelly Spence
Brian Yee

GUESTS:

Alan Ecker
Marianne Hardy
Tracey Landers
Steve Matcha
Kathie Pearson

County Supervisor's Association
House of Representatives
Senate
Senate
Office of the Attorney General

STAFF:

Megan Hunter
Isabel Gillett

CALL MEETING TO ORDER

The meeting was called to order at 10:20 a.m. by Rep. Karen Johnson with a quorum present.

APPROVAL OF MINUTES

The minutes of the December 13, 2002 meeting were approved on a unanimous vote.

ANNOUNCEMENTS

Rep. Johnson announced that it is likely that Senator Mark Anderson will be the co-chair from the Senate. She also announced that she will introduce a bill to add two more legislators to this committee. Two new staff members from the Senate introduced themselves: Tracey Landers, Assistant Research Analyst, and Steve Matcha, Senate Family Services Intern.

INTEGRATED FAMILY COURT (IFC)

Ellen Seaborne explained events that have taken place since the December 13, 2002 meeting of this committee regarding the IFC proposal. At that meeting, the committee adopted the IFC proposal to fulfill the reporting requirements of A.R.S. §25-323.02. Also at that meeting, Representative Johnson indicated that she would introduce the proposal as legislation. Since that time, Ellen was informed that the proposal is subject to Prop. 108 which means two-thirds of the Legislature has to vote in support of any fee increases. This is contrary to information provided to the IFC workgroup during their deliberations. Rep. Johnson then explained that she discussed the proposal with other legislators who balked at any legislation with funding attached in light of the current state budget deficit. She further explained that she met with Chief Justice Charles Jones who offered to initiate and implement two IFC pilot programs in Maricopa and Coconino Counties and plans to draft an administrative order that would direct those counties to participate in the projects. If the counties determine that funding is required for the pilot projects, they can bypass the Legislature and go directly to their local Board of Supervisors to explore funding options.

Members expressed concern regarding funding for the projects. Karen Kretschman explained that staff from the Administrative Office of the Courts have met with the presiding judges from both counties and have received agreement from both counties to conduct the pilots. Chief Justice Jones plans to announce the pilot projects in his State of the Judiciary speech and is proceeding with a goal of recognizing the work of this group in creating the proposal and going forward with the pilots. The Chief Justice was and is supportive of the IFC mission and goals.

Ellen commented that the pilot projects are a good thing and that they should proceed along the same time line as proposed in the report. Rep. Johnson indicated that she would like to invite Attorney General Terry Goddard and Governor Napolitano to come to a meeting of this committee sometime this summer to hear about the IFC projects. She

wants the courts to know that this committee will proceed with legislation, but will first give the courts the opportunity to prove themselves. This will be a key piece of legislation for her before she terms out of office.

SUBSTANTIVE LAW WORKGROUP

Jeff Zimmerman, workgroup chair, offered three legislative proposals for consideration by the 2003 Legislature, as follows:

1. A.R.S. § 25-401

The proposed revision seeks to clean up and clarify the current child custody statutes. The current statute allows for child custody proceedings to commence in the superior court by a parent filing a petition for a dissolution or legal separation. The revision would add the filing of a maternity or paternity proceeding to that list.

MOTION: Approve the recommended legislative proposal on A.R.S. § 25-401. *Motion was seconded and passed.*

2. A.R.S. § 25-409

The proposed revision seeks to say that the petition for grandparent visitation will be filed in the underlying action for dissolution, maternity or paternity rather than in a separate action.

MOTION: Approve the recommended legislative proposal on A.R.S. § 25-409. *Motion was seconded and passed.*

3. A.R.S. §§ 25-403, 25-408 and 25-411

The proposal would accomplish two goals: 1) allow simplified reinstatement of the original parenting plan if the plan was modified because one parent and/or the child made a long distance relocation but they have subsequently relocated to within the same general distance as under the original plan; and 2) clarify that if a parent who wants to relocate the child files a petition with the court to approve it, they do not need to give an additional separate notice to the other parent – giving the other parent notice of the court action would be sufficient.

Discussion: Members thought that the sixty day requirements is a useful tool to help families reach settlement or get used to the idea of one party moving away. The intent was not to allow a parent/child to leave the state before sixty days. Other members said that the revised statute would be a vehicle for a parent to say that nothing has changed and they would like to reinstate the original parenting plan. The plan could be reinstated absent good cause. Some members were opposed to an automatic change because the best interest of the child must be kept as the primary focus. Steve Wolfson offered to take the issue to the Executive Committee of the Family Law Section of the State

Bar. Rep. Johnson indicated that this issue can be resolved at the February meeting after which she could amend the proposal and add it onto another bill if the committee adopts the proposal.

Members broke for lunch and reconvened at 12:28.

WORKGROUP REPORTS

Substantive Law

Jeff Zimmerman, workgroup chair, reported that the group discussed relocation issues and prioritized issues for the coming year. The report was brief in light of the legislative proposal discussion earlier in this meeting.

Court Procedures

Nancy Gray reported in place of Brian Yee, workgroup chair. The workgroup discussed and recommended that the IFC workgroup remain in place and meet as a group to monitor the IFC pilot projects. They also discussed and would like to propose legislation regarding the availability and problems associated with domestic relations case information on the Internet. They plan to discuss various attempts at resolution currently used in the counties. The issue will be added to the February DR Committee agenda.

Education/Prevention

Terrill Haugen, workgroup chair, reported that the group continued discussing the possibility of adding children's education to the statewide mandated divorce education program. They plan to continue discussions and development of a program similar to the Hawaii program. The issue will be added to the February or March DR Committee agenda.

CALL TO THE PUBLIC

There was no reply to the call to the public.

NEXT MEETING

The next meeting will be held on February 21, 2003, at the Arizona State Courts Building, 1501 W. Washington, Conference Room 119.

ADJOURNMENT

Rep. Johnson adjourned the meeting at 1:30 p.m.